

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ROBERT ROYCE BYFORD,
Petitioner,
v.
WILLIAM REUBART, *et al.*,
Respondents.

Case No. 3:11-cv-00112-JCM-CSD

**ORDER GRANTING
MOTION FOR EXTENSION OF TIME
(ECF NO. 196)**

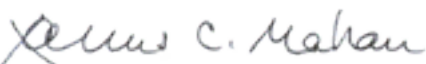
In this capital habeas corpus action, after a 180-day initial period, a 90-day extension of time, two 45-day extensions of time, a 35-day extension of time, and then a 95-day extension of time, Respondents had until December 30, 2022, to file an answer, responding to the remaining claims in Petitioner Robert Royce Byford's third amended habeas petition. See Order entered August 27, 2021 (ECF No. 135) (180 days for answer); Order entered March 1, 2022 (ECF No. 140) (90-day extension); Order entered May 27, 2022 (ECF No. 143) (45-day extension); Order entered July 15, 2022 (ECF No. 146) (45-day extension); Order entered August 25, 2022 (ECF No. 149) (35-day extension); Order entered September 26, 2022 (ECF No. 151) (95-day extension).

On December 30, 2022, Respondents filed a motion for extension of time (ECF No. 196), requesting a further 60-day extension of time, to February 28, 2023. Respondents' counsel states that the extension of time is necessary because of her obligations in other cases, understaffing at the office of the Nevada Attorney General, and personal health issues. Respondents' counsel states that Petitioner Robert Royce Byford, who is represented by appointed counsel, does not oppose the motion for extension of time.

1 The Court finds that Respondents' motion for extension of time is made in good
2 faith and not solely for the purpose of delay, that there is good cause for a further
3 extension of time, and that there are extraordinary circumstances—the complexity of the
4 case, understaffing at the Attorney General's office, counsel's health issues—warranting
5 a further extension of time. In view of the circumstances in this case, as described in the
6 declaration of counsel attached to the motion for extension of time, the Court will extend
7 this deadline to March 15 instead of February 28, 2023 (75 days instead of the
8 requested 60). This means Respondents now will have had over 18 months to file their
9 answer, after the resolution of their motion to dismiss. Even under the circumstances as
10 described by Respondents' counsel, that is enough. *The Court will not further extend*
11 *this deadline absent extraordinary circumstances.*

12 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement of
13 Time (ECF No. 196) is **GRANTED**. Respondents will have until and including
14 **March 15, 2023**, to file their answer. Petitioner will then have 180 days to file his reply.
15 In all other respects, the schedule for further proceedings set forth in the order entered
16 October 24, 2019 (ECF No. 88) will remain in effect.

17
18 DATED January 6, 2023.

19
20 
21 JAMES C. MAHAN
22 UNITED STATES DISTRICT JUDGE
23
24
25
26
27
28